

REMARKS

This Amendment is submitted in response to the non-final Office Action mailed November 24, 2008, wherein (a) claims 1-11 were pending; (b) claim 11 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,865,093 to Wasmuht et al. (hereinafter "Wasmuht"); (c) claims 1, 2, 4, and 8 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wasmuht in view of DE 35 04 500 to Lenz et al. (hereinafter "Lenz"); (d) claims 1 and 7-10 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wasmuht in view of Lenz in further view of EP 0 605 783 to Stippler; and (e) claims 3, 5 and 6 were objected to as being dependent upon a rejected base claim.

By the foregoing, claims 1 and 3 have been amended. Therefore, claims 1-11 remain pending.

35 U.S.C. § 102(b) Rejection

In the Office Action, claim 11 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Wasmuht.

Claim 11 recites a method for brewing beer, especially boiling wort, comprising forming a first and a second wort cycle, whereby the first wort cycle is a heat flow cycle and whereby the second wort cycle runs via a wort forced flow with a pump and a thin-layer distributor.

By contrast, Wasmuht does not disclose or suggest a second wort cycle that runs via a wort forced flow with a pump and a thin-layer distributor. Instead, Wasmuht discloses a first wort cycle that is a heat flow cycle, wherein wort passes through a tube-type boiler 2 and is drawn upward by the heating action of the tubes. *See* col. 3, lines 7-11 and Fig. 2. The pump 12 of Wasmuht transfers wort from a location away from the boiler 2 to a location near the inlet of the boiler 2, and the transferred wort undergoes the first wort cycle as described above. *See* col. 3, lines 19-30 and Fig. 2.

Moreover, Wasmuht does not disclose a thin-layer distributor. As defined in the specification, the thin-layer distributor comprises a pump, an outlet opening with a reduced cross-section, and a baffle surface, wherein the reduced cross-section at the outlet opening

accelerates the wort against the baffle surface. *See* specification, paragraph [0023].

However, Wasmuht does not disclose a reduced cross-section at the outlet of a pipe. *See* Fig.

2. Accordingly, claim 11 is allowable over Wasmuht.

35 U.S.C. § 103(a) Rejections: Wasmuht in view of Lenz

In the Office Action, claim 1 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Wasmuht in view of Lenz.

Claim 1 has been amended and recites, in part, that the device further provides for a pump induced second cycle of the wort containing a thin-layer distributor for the wort having at least one pipe emerging in the reservoir and including a pipe subsection connected with the pump leading above the guiding screen via an outlet opening with reduced outlet cross-section into the container body and having above the outlet opening a flow-guiding baffle surface, at which the wort forced flow arrives from below, to deflect the liquid towards the wort reservoir.

By contrast, Wasmuht does not teach a thin layer distributor having at least one pipe including a pipe subsection leading above the guiding screen. Instead, Wasmuht discloses an apparatus for brewing having a tube type boiler 2 disposed below a baffle plate 2c. *See* col. 3, lines 9-13 and Fig. 2. Because there is no pipe subsection leading above the baffle plate 2c, Wasmuht does not disclose an outlet opening of the pipe subsection with a reduced outlet cross-section. *See* Fig. 2. Furthermore, Wasmuht does not disclose or suggest a flow-guiding baffle surface above the outlet opening, at which the wort forced flow arrives from below, to deflect liquid from the wort reservoir. *See* Fig. 2.

Moreover, Lenz does not teach a thin layer distributor having at least one pipe including a pipe subsection leading above the guiding screen. Rather, Lenz discloses a discharge tube 19 and a pipe section 21 disposed below a guiding screen (a percussion roof 23) wherein wort exiting a heat exchanger 16 is directed upwardly against the percussion roof 23 and downwardly back into the wort reservoir (see downward arrow emerging from the percussion roof 23) via an annular gap nozzle 24. *See* col. 5, lines 19-34 and Fig. 1. Both the discharge tube 19 and pipe section 21 of Lenz are disposed below the percussion roof 23. *See* Fig. 1. Because there is no pipe subsection leading above the percussion roof 23, Lenz does not disclose an outlet opening of the pipe subsection with a reduced outlet cross-section. *See*

Fig. 1. Additionally, Lenz does not disclose a flow-guiding baffle surface above the outlet opening, at which the wort forced flow arrives from below, to deflect liquid from the wort reservoir. *See* Fig. 1.

The Office Action asserted that the downward inclined component 22 of Lenz corresponds to the guiding screen of amended claim 1, and the percussion roof 23 corresponds to the flow guiding baffle surface of the thin-layer distributor. *See* Office Action, page 3, lines 1-3. The Applicants respectfully disagree. During operation, hot wort shoots up from the outlet tube 19 after heating in the heat exchanger pipes 17, continues through an aperture in the downward inclined component 22, contacts the underside of the percussion roof 23, and is downwardly deflected back towards the reservoir 10 through an annular gap nozzle 24 formed by the underside surface of the percussion roof 23 and the top surface of the downward inclined component 22. Therefore, the percussion roof 23 corresponds to the guiding screen of amended claim 1. However, because Lenz does not disclose at least one pipe having a pipe subsection leading above the percussion roof 23 having an outlet opening, Lenz does not disclose a flow-guiding baffle surface above the outlet opening. Therefore, the downward inclined component 22, which is below the percussion roof 23, cannot correspond to the flow-guiding baffle surface of the thin layer distributor.

Because neither Wasmuht nor Lenz disclose or suggest a thin layer distributor having at least one pipe including a pipe subsection leading above the guiding screen via an opening with a reduced outlet cross section and having above the outlet opening a flow guided baffle surface, amended claim 1 is allowable over Wasmuht in view of Lenz.

35 U.S.C. § 103(a) Rejections: Lenz in view of Wasmuht in further view of Stippler

Claims 1 and 7-10 also stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Lenz in view of Wasmuht in further view of Stippler.

Claim 1 has been amended and recites, in part, that the device further provides for a pump induced second cycle of the wort containing a thin-layer distributor for the wort having at least one pipe emerging in the reservoir and including a pipe subsection connected with the pump leading above the guiding screen via an outlet opening with reduced outlet cross-section into the container body and having above the outlet opening a flow-guiding baffle

surface, at which the wort forced flow arrives from below, to deflect the liquid towards the wort reservoir.

However, Stippler does not disclose or suggest a thin layer distributor having at least one pipe including a pipe subsection leading above the guiding screen. Instead, Stippler teaches a pipe 2 emerging in the reservoir below both a first guidance screen 4 and a second guidance screen 5. *See* col. 2, lines 23-39 and Fig. 1. Because there is no pipe subsection leading above the guidance screens 4, 5, Stippler does not disclose an outlet opening of the pipe subsection with a reduced outlet cross-section. *See* Fig. 1. Furthermore, Stippler does not disclose or suggest a flow-guiding baffle surface above the outlet opening, at which the wort forced flow arrives from below, to deflect liquid from the wort reservoir. *See* Fig. 1.

As established in the previous section, neither Wasmuht nor Lenz disclose or suggest a thin layer distributor having at least one pipe including a pipe subsection leading above the guiding screen having an outlet opening of the pipe subsection with a reduced outlet cross-section and having above the outlet opening a flow guided baffle surface.

Because neither Stippler nor Wasmuht nor Lenz disclose or suggest the above-referenced elements and limitations, amended claim 1 is allowable over Lenz in view of Wasmuht in further view of Stippler.

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Docket No.: 30051/41499

Conclusion

In view of the foregoing amendments, the Applicants respectfully submit that the present application is now in condition for allowance, and the Examiner's favorable reconsideration is respectfully solicited.

It is believed that no fees are necessary in connection with the present Amendment. However, in the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

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Respectfully submitted,

By


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